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**UNITED STATES BANKRUPTCY COURT
 DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case Nos. BK-S-06-10725 LBR
 Case Nos. BK-S-06-10726 LBR
 Case Nos. BK-S-06-10727 LBR
 Case Nos. BK-S-06-10728 LBR
 Case Nos. BK-S-06-10729 LBR
 Chapter 11

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 LLC,
 Debtor.

**SUPPLEMENT TO AMENDED MOTION
 FOR AUTHORITY, SUBJECT TO
 ADVANCE APPROVAL BY NEVADA
 MORTGAGE LENDING DIVISION, FOR
 FERTITTA ENTERPRISES OR ITS
 AFFILIATE TO PROVIDE AN
 ADDITIONAL ADVANCE FOR THE RIO
 RANCHO EXECUTIVE PLAZA LOAN
 SERVICED BY DEBTOR USA
 COMMERCIAL MORTGAGE COMPANY
 [AFFECTS DEBTOR USA COMMERCIAL
 MORTGAGE COMPANY AND DEBTOR
 USA CAPITAL FIRST TRUST DEED
 FUND, LLC]**

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☒ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Date of Hearing: August 8, 2006
 Time of Hearing: 10:30 a.m.

SCHWARTZER & MCPHERSON LAW FIRM
 2850 South Jones Boulevard, Suite 1
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1 Debtors in Possession USA COMMERCIAL MORTGAGE COMPANY
2 ("USACM") and USA FIRST TRUST DEED FUND, LLC ("First Trust Deed Fund") (collectively
3 the "Debtors"), by and through their counsel Lenard E. Schwartz, Esq. of the Schwartz &
4 McPherson Law Firm, attach a copy of the letter dated August 7, 2006 from Scott E. Bice,
5 Commissioner of the Mortgage Lending Division, waiving the restriction on USACM's license to
6 permit the funding of an additional advance for the Rio Rancho Executive Plaza loan described in
7 the Amended Motion.

8 DATED: August 7, 2006.

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15 Salt Lake City, Utah 84145-0385

16 and

17 /s/ Lenard E. Schwartz
18 Lenard E. Schwartz, Nevada Bar No. 0399
19 Jeanette E. McPherson, Esq., Nevada Bar No. 5423
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AMENDED EXHIBIT “B” TO MOTION

Letter from Scott E. Bice, Commissioner of Mortgage Lending Division

See Attached



KENNY C GUINN
Governor

SYDNEY H WICKLIFFE, C P A
Director

STATE OF NEVADA
DIVISION OF MORTGAGE LENDING
DEPARTMENT OF BUSINESS AND INDUSTRY

SCOTT E BICE
Commissioner

August 7, 2006

Mr. Mark Olson
Chief Operating Officer
USA Capital
4484 South Pecos Rd.
Las Vegas, NV
89121

Re: Request for waiver of conditioned Mortgage Broker License Number 333

Dear Mr. Olsen:

The Division of Mortgage Lending "MLD" has received your waiver request regarding the additional Private Investor funding on the project known as Rio Rancho. MLD believes that it is in the best interest of the original direct lenders to allow this project to be completed as addressed in your motion as well as those issues addressed by the borrower, Robert Russell's, declaration of August 4, 20006. MLD will consent to a waiver to your current license to fund the additional \$3,773,000 with the following conditions:

1. The original 32 direct lenders are given the right of first refusal to fund the additional advance, not to exceed their original percentage of ownership. If time is of the essence and USA utilizes Fertita to initially fund the advance, the direct lenders must be allowed a period of time not to exceed 30 days in which Fertita will assign that % of ownership to the original direct lender with all new rights including the sharing of 50% of the exit fee.
2. Section 3.2 (g). Fertita needs to be substituted to a new servicer acceptable to at least 51% of the Direct Lenders.

Carson City Office

400 W. King Street, Suite 406
Carson City, Nevada 89703
(775) 684-7060 Fax (775)
684-7061

Web Address: www.mld.nv.gov

Las Vegas Office

Office of the Commissioner
3075 E. Flamingo Suite 104-A
Las Vegas, NV 89121
(702) 486-0780 Fax (702) 486-
0785



STATE OF NEVADA
DIVISION OF MORTGAGE LENDING
DEPARTMENT OF BUSINESS AND INDUSTRY

If you have any questions or need any further information please feel free to contact me at 702-486-0789 at any time.

Sincerely,

A handwritten signature in cursive script that reads "Scott E. Bice".

Scott E. Bice
Commissioner

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